

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

Plaintiff,

vs.

HAROLD W. WAMPLER, III, et al.,

Defendants.

Case No. 1:08-CV-31

(Magistrate Judge Timothy S. Black)

**ANSWER OF DEFENDANT,
CAROLYN RICE, TREASURER
OF MONTGOMERY
COUNTY, OHIO**

Defendant, Carolyn Rice, as Treasurer of Montgomery County, Ohio, by and through counsel, and for her answer says she is chargeable by law with the collection of taxes and assessments levied on real property within Montgomery County, Ohio.

Real estate taxes and assessments become a lien on such real property on the first day of each year, and such lien is paramount to all other liens.

WHEREFORE, this Defendant prays that the lien for real estate taxes and assessments, together with interest, penalties, and charges be protected and preserved; upon distribution of the proceeds of any sale of the real property, that Carolyn Rice as Treasurer be given, in the priority prescribed by law, an amount sufficient to satisfy all taxes and assessments, together with interest, penalties and charges then due and unpaid on the real property described.

MATHIAS H. HECK, JR.,
PROSECUTING ATTORNEY

By: s/Nolan Thomas

Nolan Thomas

Supreme Court Reg. No. 0078255

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Counsel for Defendant, Carolyn Rice,

Treasurer of Montgomery County, Ohio

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2008, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Gregory Gordon Lockhart, United States Attorney's Office, P.O. Box 280, 200 W. Second Street, Room 602, Dayton, Ohio 45402, and Steven A. Sherman, U.S. Department of Justice, Tax Division, P.O. Box 55, Ben Franklin Station, Washington, D.C. 20044; and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Harold W. Wampler, III, Individually and as Executor
of the Estate of Harold W. Wampler, Jr.
1343 Woodman Drive, Suite B
Dayton, Ohio 45432

Nancy Abraham
3511 Buckhead Road
Midlothian, VA 23113

Edna M. Wampler, Trustee of the Ralph M. Wampler Tax Credit Trust;
Trustee of the Ralph M. Wampler Marital Trust
113 Marilyn Way
Brookville, Ohio 45309

H. Wampler Fruit Farm, Inc.
1001 Shiloh Springs Road
Dayton, Ohio 45415

National City Bank
One First National Plaza
Dayton, Ohio 45402

State of Ohio Department of Taxation
30 E. Broad Street, 22nd Floor
Columbus, Ohio 43215

s/Nolan Thomas
Nolan Thomas, Bar No.: 0078255
Assistant Prosecuting Attorney